



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, 31 मार्च, 1978/10 चंद्र, 1900

हिमाचल प्रदेश सरकार

EXCISE AND TAXATION DEPARTMENT

NOTIFICATIONS

Simla-2, the 31st March, 1978

EXN-F(3)-1/78.—In exercise of the powers conferred by sections 5, 6, 17, 18, 24(4) and 58 of the Punjab Excise Act, 1914 (1 of 1914) as applied to Himachal Pradesh and all other powers enabling him in this behalf and in supersession of all previous notifications issued in this behalf the Governor, Himachal Pradesh is pleased to make the following rules without previous publication as the State Government considers that these should be brought in force at once to regulate the import, transport, possession and sale of liquor in Prohibition Areas in Himachal Pradesh:—

1. *Title.*—These rules may be called the Himachal Pradesh Liquor Prohibition Rules, 1978 and shall come into force at once.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context:—

- (a) "Prohibition areas" means the territorial limits of any civil district or a part thereof where under section 17 and 24(4) of the Act, the State Government has by notification prohibited the possession for sale or otherwise and the import or transport of any kind of liquor save the under the provisions made in these rules;
- (b) "Act" means the Punjab Excise Act 1 of 1954;
- (c) "Brandy" means and includes any foreign liquor obtained after distillation of grapes or sophisticated by the addition of essences of brandy whether imported from abroad or made in India;
- (d) "Chief Medical Officer" means the Chief Medical Officer or other principal medical officer of the district;
- (e) "Government" means the Government of Himachal Pradesh;
- (f) The expressions "Import", "Transport" and "Sales" have the same meaning as are assigned to them under the Act;
- (g) "Medical Certificate" means a certificate given by a Registered Medical Practitioner to a person certifying the quantity of brandy to be possessed by the latter for his bonafide household medical use;
- (h) "Registered Medical Practitioner" means any person registered under the provisions of the Indian Medical Council Act, 1956 in Himachal Pradesh or any other State of India; and
- (i) "Forms" means forms as appended to these rules.

3. *Possession.*—Save as herein provided, no person shall possess for sale or otherwise and import or transport any kind of liquor in the prohibition area:—

- (a) Denatured Spirit.
- (b) Rectified Spirit in the possession of licensed venders, registered medical practitioners or other persons in whose favour a special permit has been issued.
- (c) (i) Liquor possessed by a member of the Defence on duty or leave in prohibition area in transit through the prohibition area:

Provided that—

- (1) Such member is in possession of an authorisation issued by the Officer Commanding of his Unit or an Officer empowered by the Defence Department in this behalf; and
- (2) The quantity of liquor does not exceed the quantity approved by the Defence Department for his rank.
- (ii) The identity card and authorisation shall be shown to a police or excise officer on demand.
- (d) Liquor upto the limit of private possession as indicated below in the possession of any foreigner residing in the prohibition area;—

- (1) Foreign Liquor whether imported or made in India. Three litres (4 bottles each of the capacity of 750 milli-litres) or upto 12 such bottles on payment of permit fee according to the following graduated scale of a financial year or a part thereof.

Quantity

Permit

Exceeding three litres or 3 bottles each of the capacity of 750 milli-litres but not exceeding six litres or 8 bottles each of the capacity of 750 milli-litres. Ten rupees.

Exceeding six litres or 8 bottles each of the capacity of 750 milli-litres but not exceeding 9 litres or 12 bottles each of the capacity of 750 milli-litres. Twenty rupees.

- (ii) Beer whether imported or made in India. Nine litres or 12 bottles each of the capacity of 650 milli-litres.
- (iii) Cidar (Liquor manufactured by fermentation of the juice of any fruit) whether imported or made in India. Nine litres or 12 bottles each of the capacity of 750 milli-litres.
- (e) Liquor covered by necessary passes while in transit in the prohibition area transported for other areas.
- (f) Liquor possessed any excise officer of government acting in his official capacity.
- (g) Medical and other preparation containing rectified spirit and such preparations which have been or may be declared from time to time to be liquor for the purpose of the Act whose import, export, transport, possession and sale is regulated by the Punjab Intoxicating Spirituous Preparations Import, Export Transport, Possession and Sale Rules, 1932.
- (h) Liquor upto the limit of retail sale in the possession of bonafide passengers passing through the prohibition areas, while on the way to a place outside the prohibition area.
- (i) Foreign tourists who have been issued a liquor permit by the competent authority of any State or Centrally administered area, or Visa Issuing Officers of India Missions overseas or a Director or Assistant Director of Government of India Tourist Office overseas, or the Director or Assistant Director of the Government of India Tourist Office in Bombay, Calcutta, New Delhi or Madras upto the quantities covered by that 'permit'.

4. Notwithstanding anything contained in rule 3 precedings—

- (i) Any person on application may obtain brandy upto sixty milli-litres on the authority of a permit in form PR. 3 granted by the Collector for his bonafide household medicinal use. A person may also obtain brandy in a similar manner upto one hundred and twenty milli-litres on the production of medical certificate in form PR. 4 issued by a registered medical practitioner.
- (ii) A registered medical practitioner, may also keep in his possession on any time, brandy not exceeding one hundred and twenty milli-litres for bonafide use in practice, under a permit in form PR. 5 granted by the Collector.
- (iii) A Medical practitioner in managing and supervising charge of a Government, Local Fund, Railway or Charitable hospital or dispensary, may possess brandy not exceeding the requirements of such hospital or dispensary for twelve months on the authority of an indent signed by the Chief Medical Officer of the district in respect of Government, Local Fund or Charitable hospitals and dispensaries and by the Divisional Medical Officer, Northern Railways, Delhi or Ferozepur, in case of Railway hospitals and dispensaries and by the Divisional Medical Officer, Northern Railways, Delhi or Ferozepur, in case of Railway hospitals and dispensaries, as the case may be.
- (iv) A licensed vendor holding license in form PR. 1 may possess such quantity of brandy as may be specified in his license.

5. *Import and Transport of brandy.*—A licensed vendor in form PR. 2 may import or transport brandy on the authority of a permit and a pass, as the case may be, granted by the Collector. A person or a medical practitioner holding permits in forms PR. 3 and PR. 5, respectively, shall obtain his supplies from the licensee.

6. A medical practitioner in managing or supervising charge of a Government, Local Fund, Railway, or Charitable hospital or dispensary may import or transport such quantity of brandy as may be specified in the indent signed by the Chief Medical Officer, of the District or the Divisional Medical Officer, Northern Railway Delhi/Ferozepur, as the case may be. A copy of the indent shall be furnished in advance to the Collector concerned for record and for such action as he may deem it expedient in relation to the indent in regard to the quantity to be imported or transported.

7. *Sale of brandy.*—A licensee shall sell brandy—

- (i) to a person holding a permit in form PR. 3 for his bonafide household medicinal use, granted by the Collector,
- (ii) to a registered medical practitioner holding a permit in form PR. 5 for use in his practice.

8. The Financial Commissioner shall grant a license in form PR. 2 for retail vend of brandy.

9. A person desirous of obtaining a license in form PR. 2 shall apply to the Collector through the Excise and Taxation Officer of the district in form PR. 1 for the orders of the Financial Commissioner. The Financial Commissioner may, for reasons to be recorded in writing, refuse to grant the license.

10. *Maintenance of Accounts.*—A register in form PR. 6 showing the particulars of the persons granted permits in form PR. 3 and PR. 5 shall be maintained in the District Excise and Taxation Officer.

11. The licensee shall maintain regular accounts of his daily transactions and shall submit a monthly return thereof by the 5th of the next month to the Excise and Taxation Officer of the district.

12. The licensee shall, in addition to these rules, be bound to observe all the rules under the Act, which may be applicable to his license.

13. (1) The fee for the license in form PR. 2 will be assessed as in the case of license in form L-12-C and shall be recovered in the following manner:—

If the total assessed fee does not exceed Rs. 200 it shall be payable as soon as assessed. If it exceeds, Rs. 200 one half of it shall be recovered in the month of April, one fourth before the end of June and the remaining one-fourth before the end of September, in each financial year:

Provided that the annual license fee assessed in accordance with the provisions made in the Punjab Liquor License Rule, 1956, as applicable to Himachal Pradesh and recovered as outlined above, shall be adjusted four times *viz*:—

- (i) at the end of the first three quarters against that arrived at on the basis of actual sales of brandy during that quarter, and
- (ii) by the 7th of the month of March on the basis of the average sales during the first three quarters, which shall be finally adjusted on the basis of actual sales at the end of the fourth quarter.

(2) In all matters not specified in these rules, the Punjab Liquor License Rules, 1956, as applicable to Himachal Pradesh, and the Punjab Permit and Pass Rules, 1932, as applicable to Himachal Pradesh, shall apply *mutatis mutandis*.

FORM PR. 1

COURT FEE STAMP

[See rule 4 (iv), 9]

Form of application for the grant of licence for sale of Foreign Liquor/
brandy only in prohibition area, in form PR-2.

1. Name of applicant.....
2. Father's name.....

3. Resident of (complete address).....
4. Brief history of the previous business.....
5. Locality of the premises to be licensed (Full particulars to be given).....
6. Name of the shop or establishment.....
(Whether firm, society partnership or company).....
7. I do hereby declare that I shall abide by the law and rules and all other rules in this behalf in force in respect of import, transport, possession and sale of brandy/foreign liquor and that I am not a convict under the Excise Act or I.P.C.

Dated.....

Signature of the Applicant.

Note.—Delete whatever is not required.

FORM PR-2

[See rules 5, 8, 9 and 13(1)]

**LICENCE FOR THE RETAIL VEND OF FOREIGN LIQUOR/BRANDY
ONLY FOR CONSUMPTION OFF THE PREMISES IN PROHIBITION
AREA UNDER HIMACHAL PRADESH LIQUOR PROHIBITION
RULES, 1978**

District.....

Registered No

The Licence authorising the retail vend of foreign liquor/brandy for (off consumption) only on the premises specified below and for the period from.....to.....is granted to Shri.....s/o.....resident of.....Tehsil.....District.....Himachal Pradesh.

[Description of Premises]

Shop No. if any.....in village/town ward

Boundaries

North.....East.....South.....West.....

This licence is granted under the provisions of the Himachal Pradesh Liquor Prohibition Rules, 1978 and subject to the payment of prescribed licence fee (the licence fee shall be payable in the manner prescribed in this behalf).

Conditions

(1) The licensee shall not sell brandy/foreign liquor except to persons holding permits.....upto the quantity specified therein for consumption of the premises.

(2) The licensee shall keep his premises closed on days and during the hours endorsed on the licence or specially ordered by the Financial Commissioner or the Collector.

(3) The licensee shall furnish such information as may be demanded from him by any Excise Officer of the District.

(4) The licensee shall keep brandy/foreign liquor of such brands and shall sell it at such price as may be directed by the Financial Commissioner from time to time and shall issue cash memos.

(5) This licence may be revoked any time.

Signature of the Licencee.

Signature.....
Financial Commissioner, Excise,
Himachal Pradesh.

(Seal)

FORM PR-3

[Under rules 4(i), 5, 7(i) and 10]

PERMIT FOR THE PURCHASE, POSSESSION AND TRANSPORT OF BRANDY FOR DOMESTIC USE, UNDER THE HIMACHAL PRADESH LIQUOR PROHIBITION RULES, 1978

No.....Date.....
Shri.....s/o.....
resident of..... (Male/Female) is hereby permitted to purchase
and possess
(quantity) of brandy for his/her domestic use.

The brandy in question is permitted to be purchased from foreign liquor licensed premises at

Signature of the Collector,
or Officer authorised.

Special Conditions

1. The permit holder shall use brandy purchased under this permit, for medicinal purpose only. He shall not transfer brandy to any person other than a member of his family, except with the permission of the permit granting authority.

2. The permit is liable to be cancelled at any time for the breach of any condition of the permit or for any other reasons to be recorded in writing by the permit granting authority.

3. The brandy purchased under this permit shall be kept in the custody of the permit holder.

4. The permit holder shall abide by the Himachal Pradesh Prohibition Rules, 1978.

Signature of the permit holder.

(Signature)

Permit Granting Authority

FORM PR-4

[Under rule 4 (i) and rule 5]

Permit No.....dated
Permit for the purchase/possession of brandy for bona fide use in practice by a Medical Practitioner.

Shri.....Registered Medical Practitioner

NoPractising in Mohalla Village.....
district of Himachal Pradesh is hereby permitted to purchase, possess and transport(quantity) of brandy for his bona fide medicinal use in his practice and not for sale, of the brandy in question shall be purchased from the foreign liquor licensed premises at

Special Conditions

1. The permit is liable to be cancelled at any time for the breach of any condition.

2. The brandy purchased under this permit shall be kept in the custody of permit holder.

3. The permit holder shall abide by the Himachal Pradesh Liquor Prohibition Rules, 1978.

Signature of the
permit holder.

Signature of Officer granting permit.

FORM PR-5

[See rules 4 (ii) 5, 7 (ii) and 10]

PERMIT FOR THE PURCHASE/POSSESSION OF BRANDY AT GOVERNMENT/LOCAL FUND/RAILWAY OR CHARITABEE HOSPITAL OR DISPENSARY UNDER THE HIMACHAL PRADESH LIQUOR PROHIBITION RULES, 1978

Shri.....in managing or supervisory charge.....
.....Hospital/Dispensary is permitted to possess.....
(quantity) brandy for bona fide use in the Hospitals Dispensary at.....

Collector,
.....District.

Special Conditions

1. The brandy procured under this permit shall be kept in the custody of the permit holder.
2. The permit holder shall only issue brandy for bona fide medicinal use.
3. The permit holder shall abide by the Himachal Pradesh Liquor Prohibition Rules, 1978.
4. The permit is liable to be cancelled at any time for the breach of any condition of the permit or for any other reason to be recorded in writing by the permit granting authority.

signature of the permit holder.

(Collector).

FORM PR-6

(See rule 10)

Registered No. of the District.....Date of issue.....

**PERMIT FOR POSSESSION FOR BOTTLED FOREIGN LIQUOR/
INCLUDING I.M.F.S. FOR CONSUMPTION ON MEDICAL
GROUNDS**

**UNDER RULE 4(v) OF THE HIMACHAL PRADESH LIQUOR
PROHIBITION RULES, 1978**

In consideration of payment of fee of Rs. 20 a permit is granted to Shri
.....s/o.....of village/town.....
.....for the period fromto.....
subject to the following conditions to be observed by him and that he shall procure
his supplies foreign liquor only from foreign liquor licensed premises at.....
granted licence under the Himachal Pradesh Liquor Prohibition Rules, 1978.

Special Conditions

1. The quantity that may be possessed under this permit shall exceed two units
at any one time orunits in the aggregate
during a month; a unit being a quart bottles of foreign spirit/two quart bottles of wine
or six bottles of beer.

2. The permit holder shall abide by the Himachal Pradesh Liquor Prohibition
Rules, 1978.

3. This permit covers the transport of liquor within the limits prescribed above,
provided it is lawfully obtained as mentioned above.

4. The liquor obtained under this permit shall be kept in the custody of the per-
mit holder.

5. The permit shall be produced before any Excise Officer not below the rank
of Excise and Taxation Sub-Inspector.

6. The liquor purchased on this permit shall not be abused or publically used.

7. The permit is not transferable and may be cancelled at any time.

Seal..

Dated the.....

day of.....

Collector,

.....district,
Himachal Pradesh.

FORM PR-7

(See rule-11)

FORM OF MEDICAL CERTIFICATE TO BE GRANTED
UNDER THE HIMACHAL PRADESH LIQUOR PROHIBITION
RULES, 1978

Certified that Shri.....s/o.....
age.....years (Male/Female), resident of.....
Tehsil.....in districtof
Himachal Pradesh is suffering from disease namely.....
and that regular use of foreign liquor is necessary on the health and medical grounds.
The use ofMilliliters of I.M.F.S. daily is recommended
in the interest of the health of the applicant.

Signature of the person granted medical certificate.

Signature of Registered Medical Prancitioner incharge
Government Hospital/Dispensary.

FORM-PR-8

(See Rule-11)

TEMPORARY PERMIT FOR THE PURCHASE/POSSESSION/TRANSPORT
OF FOREIGN LIQUOR FOR PRIVATE CONSUMPTION BY
INDIAN TOURIST

Under rule 11 of the Himachal Pradesh liquor prohibition Rules, 1978 in consid-
eration of rupee one Shri.....s/o.....r/o.....
.....having been introduced as Indian tourist by the Himachal Pradesh Tourism
Department is permitted to purchase, possess and transport.....
(quantity of foregn liquor). The foreign liquor shall be purchased from the foreign
liquor vend premises at.....

This permit shall be valid for a period of.....in the
prohibition areas.....in.....district Himachal Pradesh.

Signature of Officer granting permit,

Conditions

1. The liquor procured on this permit shall not be, abused used at public places but shall be kept in the custody of the permit holder.
2. The liquor shall be procured only from the vend premises mentioned in this permit.
3. The permit holder shall abide by the Himachal Pradesh Liquor Prohibition Rules, 1978.
4. The permit is not transferable.
5. The permit holder shall not entertain any one else with the liquor procured on this permit.
6. The permit is liable to be cancelled at any time for the breach of any condition of the permit or for any other reason, to be recorded in writing by permit granting authority.

Seal.

Signature of the permit granting authority.

Simla-171002, the 30th/31st March, 1978

No. EXN. F(1)-4/76-Part.—In exercise of the powers conferred by sections 31 and 32 of the Punjab Excise Act, 1914 (I of 1914) as in force in Himachal Pradesh, read with Himachal Pradesh Excise Fiscal Orders, 1965, the Governor, Himachal Pradesh, is pleased to order the following further amendments in the Himachal Pradesh Government (Excise and taxation Department) Notification No. 1-17/64-E&T dated the 28th October, 1975 as amended *vide* notification No. 8-46/62-E&T, dated 30-7-69, with effect from 1st April, 1978:—

AMENDMENTS

In Item II—

- (i) In clause (a) for the words and figures Rs. "1.00" the word and figures "Rs. 3.00" shall be substituted;
- (ii) In clause (c) for the words and figures Rs. "0.30" the words and figures "Rs. 0.70 Paise" shall be substituted;

Simla-171002, the 31st March, 1978

No. Exn-F(3)-1/78.—In exercise of the powers conferred by section 17 and sub-section (4) of section 24 of the Punjab Excise Act (1 of 1914) as applicable in the State of Himachal Pradesh and all other powers enabling him in this behalf, the Governor of Himachal Pradesh is pleased to declare Chopal tehsil and Kumarsain sub-tehsil of Simla district and Shillai sub-tehsil of Sirmur district as prohibition areas, and make the Himachal Pradesh Liquor Prohibition Rules, 1978 applicable in the above said areas with immediate effect.

By order,

B. C. NEGI,

Secretary.

